



AGENDA ITEM: 5

**STANDARDS COMMITTEE:
20 December 2005**

Report of: Council Secretary and Solicitor

Contact for further information: Mrs G L Rowe (Extn. 5004)

SUBJECT: LOCAL INVESTIGATION – SBE 11605.05

District wide interest

1.0 PURPOSE OF THE REPORT

- 1.1 To present to the Committee a copy of Eversheds' final report arising from the local investigation in respect of an allegation by Parish Councillor John Stephenson that Parish Councillor Marilyn Westley may have failed to comply with Halsall Parish Council's Code of Conduct.

2.0 RECOMMENDATIONS

- 2.1 That Members consider Eversheds' final report and make one of the following findings

either

- (i) That it accepts the Investigating Officer's finding that the Councillor has not failed to comply with the Code of Conduct for Members as set out in the allegation,

or

- (ii) That the matter should be considered at a hearing of the Standards Committee, conducted in accordance with the Council's Hearing Procedure for Standards Committee determinations.

- 2.2 That Members agree the reasons for the finding.
- 2.2 That in relation to the Investigating Officer's recommendations to the Parish Council these be endorsed as follows and the Parish Council be asked to consider:
- (a) training for all Members regarding their roles and responsibilities and standards expected of them as Members of Halsall Parish Council, including respect for the Chairman in managing meetings;
 - (b) a review of all of the procedures and rules of the Parish Council and the drafting of an appropriate scheme of delegation of functions to ensure that the Parish can operate effectively on a day to day basis and that they represent good practice;
 - (c) training for all Members in relation to approval of expenses and the correct procedures for expending money with reference to any current or revised Financial Regulations, Procedure Rules and Scheme of Delegation;
 - (d) training for all Members in relation to dealings with employees.
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3.0 BACKGROUND

- 3.1 On 25 July 2005 the Ethical Standards Officer, Jennifer Rogers, at the Standards Board referred an allegation to me for local investigation. I instructed Eversheds to undertake an impartial investigation on my behalf.
- 3.2 Eversheds presented their final report to me on Friday, 25 November 2005 a copy of which is attached as Appendix A. Further details to the Background of the case will be found in paragraphs 2.1 to 2.4 of that Report. The Report then sets out details of the investigation carried out, at paragraph 3, in accordance with the Procedure for Standards Committee Local Investigation attached as Appendix B.
- 3.3 Paragraph 4 of the Report gives details of the Appendices and then the factual position is covered in paragraph 5, with details of the allegations appearing in paragraph 6 and Parish Councillor Westley's response is contained in paragraph 7.
- 3.4 Information from others appears in paragraph 8 of the Report and process issues are covered in paragraph 9. Eversheds then set out their detailed "Findings" in paragraph 10 and the conclusion and findings in paragraph 11. Paragraph 12 covers the Standards Committee's consideration of the report with paragraph 13 setting out the sanction powers available where a Hearing is held. Finally, paragraph 14 sets out other actions recommended by Eversheds.

- 3.5 The Standards Board Guidance “Local Investigations Guidance for Monitoring Officers” says that the final report should include documents that have been relied on by the Investigator, in reaching his or her conclusions, including notes of interviews and letters. The report itself is quite detailed on these points. A file of documents is also available for inspection and if the Committee decide that a Hearing should be held then a copy of the file can be sent to each Member of the Hearings Sub-Committee.

4.0 CURRENT POSITION

- 4.1 The Committee must now consider the Evershed’s Report at Appendix A. The Committee should not seek to interview witnesses or take representations from the parties. The Committee’s role is to decide whether, based on the facts set out in the report, it agrees with the finding or believes there is a case to answer.
- 4.2 A copy of the Agenda and the reports for this meeting have been sent to Parish Councillor Marilyn Westley, Parish Councillor John Stephenson, the Clerk to Halsall Parish Council and Jennifer Rogers, the Ethical Standards Officer.

5.0 ACTION AS A RESULT OF FINDING

- 5.1 Where the Standards Committee finds as set out in Paragraph 2.1(i) above, no failure to comply with the Code of Conduct, the Council Secretary and Solicitor shall, as soon as practicable thereafter, send a written notice of that finding and the reasons on which it was based, together with a copy of the Investigating Officer’s report to
- (i) The Councillor;
 - (ii) The Ethical Standards Officer;
 - (iii) The Parish Council, if the Councillor was also a member of a Parish Council, and
 - (iv) The person who made the allegation.

And shall ask the Councillor whether he objects to the publication of a notice of the finding in at least one local newspaper, and arrange for the publication of such a notice unless the Councillor so objects.

5.2 Where the Standards Committee finds as set out in Paragraph 2.1(ii) above (that the matter should be considered at a full hearing) the Council Secretary and Solicitor shall arrange for the matter to be considered at such a hearing in accordance with the Hearing Procedure for Standards Committee Determinations, attached as Appendix C, subject to the following variations:

- (i) The hearing shall be conducted no sooner than 14 days from, and no later than 3 months from the date on which the Council Secretary and Solicitor received the report of the Investigating Officer;
- (ii) the report of the Investigating Officer shall be treated as if it constituted the report of the Ethical Standards Officer;
- (iii) the Council Secretary and Solicitor will not conduct Pre-Hearing enquiries of the Councillor, and
- (iv) the Investigating Officer shall be responsible for presenting the report to the Standards Sub Committee and introducing any witnesses whom he considers that the Standards Sub Committee should hear in order to be able to give the matter proper consideration.

6.0 CONFIDENTIALITY

6.1 It is good practice to treat information gathered during an investigation as confidential. This will help to ensure the investigation is seen as fair. Maintaining confidentiality reduces the risk of evidence being viewed as biased and preserves the integrity of the investigation. The fact that an investigation is being conducted does not need to remain confidential.

Those interviewed and anyone else aware of the investigation will be asked to maintain confidentiality and members are reminded of their obligation under the code not to discuss information received in confidence. Information will only be disclosed in the case of an investigation if

- the disclosure will assist Ethical Standards officers to perform their statutory functions
- the disclosure will assist the Monitoring Officer to perform his or her statutory function's
- permission from the person to whom the information relates has been given
- the information has already lawfully been made public;
- the disclosure is made for the purposes of Criminal proceedings in the UK.

Draft reports are marked as confidential to preserve the integrity of any further investigation. Final reports will be made available for public inspection unless they contain confidential or exempt information as defined by part VA of the Local Government Act 1972.

- 6.2 Personal or confidential information concerning third parties has been redacted by Eversheds in their report.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 7.1 These matters relate to the promotion of high ethical standards at a local level.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 Handling an investigation of this nature requires significant in house and external resources. The external costs of employing an investigator are partly met from existing resources and partly from contingencies as agreed by Council.

9. RISK ASSESSMENT

- 9.1 Statutory procedures are laid down which must be followed in relation to local investigations and hearings.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Appendices

Appendix A – Report from Eversheds, Solicitors as the Investigating Officer

Appendix B – Procedure for Standards Committee Local Investigations

Appendix C – Hearing Procedure

WEST LANCASHIRE DISTRICT COUNCIL

STANDARDS BOARD FOR ENGLAND - 11605.05

**COMPLAINT AGAINST COUNCILLOR MARILYN WESTLEY IN
RELATION TO HALSALL PARISH COUNCILLOR**

**DOCUMENTS RELIED ON IN THE INVESTIGATION
BY EVERSLEDs LLP**

- Appendix 1 Allegations (taken from complaint letter);
- Appendix 2 Letter of complaint from Councillor John Stephenson to the Standards Board for England with attached letters from Mr Ian T Cropper to Councillor Doreen Stephenson dated 19 April 2005 and 4 May 2005 (received on 27 June 2005);
- Appendix 3 Statement of Councillor Marilyn Westley received on 30 August 2005, with enclosures:
- Letter to Elaine Woodhead from HLB AV Audit Plc dated 11 June 2004 with enclosure;
- Letter to Councillor Marilyn Westley from Councillor Brookfield dated 15 April 2005;
- Letter to Councillor Doreen Stephenson from Councillor Marilyn Westley dated 14 May 2005;
- Financial Statement of Halsall Parish Council prepared by Elaine Woodhead, dated 9 March 2005;
- Letter to Councillor Brookfield from Councillor Marilyn Westley, dated 1 June 2005;
- Letter to Councillor Brookfield from Councillors David and Marilyn Westley, dated 4 June 2005;

Letter to Councillor Brookfield from Councillors David and Marilyn Westley, dated 22 May 2005;

Letter to Councillor Brookfield from Councillor Marilyn Westley, dated 29 May 2005;

Letter to Councillors David and Marilyn Westley from David Dalgoutte, current Clerk to the Council, dated 1 July 2005;

Salary and expenses claim of Ian T Cropper, undated;

Letter to Councillor Doreen Stephenson from Ian T Cropper, dated 4 May 2005 with Projected reserves calculation;

Final Salary and expenses claim of Ian T Cropper, including additional extra duties (undated);

Agenda and Minutes of Halsall Parish Council meeting of 11 May 2005;

Profit and Loss statement 2004/2005, dated 9 April 2005;

Minutes of Halsall Parish Council meeting of 9 March 2005;

E-mail to Councillor David Westley from Ian T Cropper dated 16 March and response from Councillor David Westley dated 17 March 2005;

Agenda and Minutes of Parish Council meeting of 13 April 2005.

- Appendix 4 Letter to Eversheds from Councillor Marilyn Westley dated 20 September 2005;
- Appendix 5 Letter from Eversheds to the current Clerk David Dalgoutte dated 16 August and his response dated 26 August 2005 with enclosures;
- Appendix 6 Letter from Eversheds to Councillor Ray Brookfield dated 6 September, and his response dated 10 September 2005;

- Appendix 7 Letter from Eversheds to Councillor David Westley dated 6 September 2005, and his response dated 13 September 2005;
- Appendix 8 Letter from Eversheds to Councillor John Allan dated 6 September 2005, and his response dated 19 September 2005;
- Appendix 9 Letter from Eversheds to Councillor Robert Derbyshire dated 6 September, and his response by e-mail dated 10 September 2005;
- Appendix 10 Letter from Eversheds to Councillor Darren Wilson dated 6 September 2005, and attendance note of telephone conversation with Councillor Darren Wilson dated 7 September 2005;
- Appendix 11 Letter from Eversheds to Mr Charles Herbert dated 14 September 2005, and his response dated 15 September 2005;
- Appendix 12 Letter from Eversheds to Mr Gerald Riley dated 15 September and his response dated 17 September 2005;
- Appendix 13 Letter from Eversheds to Mr Ian Cropper dated 9 September and his response dated 15 September 2005.
- Appendix 14 Agenda of Halsall Parish Council Meeting of 13 April 2005 (copy provided by Councillor Marilyn Westley);
- Appendix 15 Minutes of Halsall Parish Council Meeting of 13 April 2005.
- Appendix 16 Mr Herbert's contemporaneous handwritten notes of 13 April 2005 meeting and first 2 pages of May meeting.
- Appendix 17 Transcript of interview with Councillor John Stephenson on 22 September 2005 at Ormskirk Council offices.
- Appendix 18 Notes of interview with Councillor Marilyn Westley on 19 September 2005 at Ormskirk Council offices.
- Appendix 19 Notes of interview with Mr Charles Herbert on 19 September 2005 at Renacres Lane, Shirdley Hill.

Appendix 20 Correspondence passing between Eversheds and Councillor Marilyn Westley regarding the allegations.

Appendix 21 Letters dated 21st October 2005 from Eversheds LLP to Councillors Westley and Stephenson, the Clerk of Halsall Parish Council and the Council Secretary and Solicitor enclosing draft report and inviting comments and responses received from Councillor Westley dated 31st October 2005 and from Councillor Stephenson of 14th November 2005.

WEST LANCASHIRE DISTRICT COUNCIL

STANDARDS BOARD FOR ENGLAND - 11605.05

**COMPLAINT AGAINST COUNCILLOR MARILYN WESTLEY
IN MATTERS RELATING TO HALSALL PARISH COUNCIL**

FINAL REPORT BY EVERSHEDES LLP

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to consider the details of a complaint submitted in relation to the alleged conduct of Councillor Marilyn Westley at a meeting of Halsall Parish Council, the details of which were reported to the SBE on 27 June 2005.
- 1.2 This report outlines the results of the investigation, and provides advice on the position to enable the Standards Committee to deal with the complaint in accordance with the approved procedures.

2. BACKGROUND

- 2.1 On 27 June 2005 Jennifer Rogers, Ethical Standards Officer for the Standards Board for England ("SBE") received a letter from Councillor John Stephenson, the then Vice-Chairman of Halsall Parish Council setting out details of a complaint against Councillor Marilyn Westley. Councillor John Stephenson enclosed with his complaint letter, two letters from Ian Cropper to Councillor Doreen Stephenson, (the then Chairman of Halsall Parish Council), dated 19 April 2005 and 4 May 2005 respectively. Councillor John Stephenson sought to rely on these letters in support of his complaint.
- 2.2 Councillor John Stephenson's complaint related to Councillor Marilyn Westley's behaviour at a meeting of Halsall Parish Council that took place on 13 April 2005 ("the Meeting"). He alleged Councillor Marilyn Westley's behaviour was unacceptable and caused the resignation of the then Clerk to the Council, Mr Ian Cropper.
- 2.3 On 25 July 2005, in accordance with the procedure for Local Investigations, Jennifer Rogers, determined that the allegation should be referred to Ms Gillian Rowe, Monitoring Officer for Halsall Parish Council for investigation. Under powers contained in section 113 of the Local Government Act 2003, Ms Gillian Rowe subsequently instructed Eversheds LLP on 8 August 2005 to undertake an impartial investigation on her behalf.
- 2.4 The nature of the allegations suggested that the alleged conduct of Councillor Marilyn Westley at the Meeting on 13 April 2005 could amount to a breach of the Authority's Code of Conduct (as adopted by Halsall Parish Council), in particular the following:

Paragraph 2(b) A member must treat others with respect;

Paragraph 4 A member must not in his official capacity, or any other circumstances, conduct himself in a manner which could reasonably be regarded as bringing his office or Authority into disrepute.

3. THE INVESTIGATION

- 3.1 The investigation was carried out under the Local Government Act 2000 (Part III) and the Local Authorities (Code of Conduct) (Local Determinations) Regulations 2003 as amended by the Local Authorities (Code of Conduct) (Local Determination) (Amendment) regulations 2004.
- 3.2 Upon receipt of the papers, we wrote to the SBE to request a full copy of Ian Cropper's resignation letter, as there was a page missing. A full copy was received on 6 September 2005.
- 3.3 We also wrote to the current Clerk to Halsall Parish Council, Mr David Dalgoutte requesting copies of all the papers in relation to the Meeting on 13th April 2005, including agenda and minutes and also requested the details of all those that attended the Meeting. We received a response from Mr Dalgoutte on 26 August.
- 3.4 We then wrote to those members who attended the Meeting that took place on 13 April 2005 inviting their comments in relation to the conduct and behaviour of those in attendance. In particular we requested their views on whether they considered there had been a breach of paragraphs 2(b) and 4 of the Code of Conduct. We received written responses from Councillor Derbyshire, Councillor Allan, Councillor Riley, Councillor David Westley and Councillor Brookfield. We also received verbal comments from Councillor Darren Wilson over the telephone. We did not receive any response from Councillor Doreen Stephenson.
- 3.5 We also separately contacted by telephone and letter, a PC Dave Barlow who we understood was a local policeman who regularly attended Halsall Parish Council meetings. Unfortunately PC Barlow was not in attendance at the Meeting held on 13 April.
- 3.6 We also made contact with the complainant Councillor John Stephenson and asked him whether he wished to forward any further papers in support of his complaint. Councillor John Stephenson stated that he did not but also confirmed he was willing to be interviewed by us. We subsequently interviewed Councillor John Stephenson on 22 September 2005 at the District Council offices at Ormskirk. Councillor John Stephenson agreed to the interview being tape recorded.
- 3.7 Gillian Rowe, as Monitoring Officer, sent a notification letter to Councillor Marilyn Westley dated 8 August 2005 setting out a summary of the allegations against her and asking her to provide a written response.

Councillor Westley subsequently submitted a written statement (received on 30 August 2005) with various supporting documents.

- 3.8 Councillor Marilyn Westley subsequently queried the precise allegations against her by letter dated 8 September 2005. We clarified the position with the ESO at the Standards Board and responded to Councillor Marilyn Westley by letter dated 14 September 2005. We confirmed that the allegations Councillor Marilyn Westley faced were those set out in the complaint letter from Councillor John Stephenson to SBE. We subsequently interviewed Councillor Marilyn Westley and gave her an opportunity to respond to the allegations. The interview took place on 19 September 2005 at the District Council offices at Ormskirk. Councillor David Westley accompanied Councillor Marilyn Westley and sat with her during parts of the interview. However he was not asked to take part in the interview itself and was only admitted to provide support to his wife. Councillor Marilyn Westley declined to have the interview tape recorded and handwritten notes were taken of the interview.
- 3.9 Following the interview, Councillor Marilyn Westley submitted a further letter dated 20 September 2005 with additional information. The hard copy of this letter has now been received with the enclosures and we have taken into account the enclosures and the points made in the letter.
- 3.10 We also contacted Mr Charles Herbert who we understood was a member of the public who regularly attended Halsall Parish Council meetings. Mr Herbert's details were provided to us by Councillor Brookfield in his letter of 10 September 2005. We wrote to Mr Herbert by letter dated 14 September and he responded by letter dated 17 September and also agreed to be interviewed by us. We interviewed Mr Herbert on 19 September 2005 at his home.
- 3.11 Councillor Marilyn Westley in her statement suggested that another member of the public also ought to be contacted, a Mr Gerald Riley. We therefore wrote to Mr Riley on 15 September and received a written response from him.

4. **APPENDICES**

Copies of the following documents are attached:

Appendix 1 Allegations (taken from complaint letter);

Appendix 2 Response of Marilyn Westley

Appendix 3 Response from John Stephenson

5. **THE FACTS**

- 5.1 The following facts are not in dispute:

5.2 Halsall Parish Council adopted the Parish Council's Code of Conduct on 13 March 2002, based upon the Model Code. The relevant paragraphs include the following:

Paragraph 2(b) A member must treat others with respect.

Paragraph 4 A member must not in his official capacity, or any other circumstances, conduct himself in a manner which could reasonably be regarded as bringing his office or Authority into disrepute.

5.3 Halsall Parish Council offered Mr Ian Cropper the position of Clerk and Responsible Financial Officer by letter dated 7 February 2005. His appointment was ratified by Halsall Parish Council at its meeting on 15 February 2005. The effective commencement date of his employment was 1 March 2005.

5.4 The subject of the complaint centres around the Meeting of the Parish Council that took place on 13 April 2005 at St Aiden's Hall, Shirdley Hill. It is accepted that there were discussions and debates about most items on the agenda but the specific items that caused the most debates were:

5.4.1 The Clerk's Report – specifically

5.4.1.1 'Financial matters' and

5.4.1.2 the 'Clerk's expenses' (debate regarding the purchase of a filing cabinet without the approval of the Council);

5.4.2 Chairman's Allowance; and

5.4.3 Foundation Governor for Ormskirk School.

5.5 The Clerk, Mr Cropper resigned in writing ten days later. We contacted Mr Cropper by telephone to clarify when his resignation letter was prepared as two dates appear on that letter, 19 April on the front page and 23 April 2005 on the top of each subsequent page. Mr Cropper clarified that he informed the Chairman of his decision to resign on 19 April. He also started work on his resignation letter on that day. However he thought he finalised his resignation letter and printed it off and distributed it to all the Councillors on 23 April 2005.

6. THE ALLEGATIONS

6.1 The allegations are set out at Appendix 1. We have also set out below a table which lists each allegation and includes comments from the complainant, Councillor John Stephenson. We have taken his comments from his complaint letter and also his comments during the course of our interview with him. We have also included in this table, Mr Ian Cropper's account in respect of each allegation. We obtained Mr Cropper's comments from his resignation letter (attached to the complaint letter), his letter dated 4

May 2005 addressed to the Chairman and his letter to Eversheds dated 15 September 2005.

6.2 Two further columns are included to set out the views of Mr Charles Herbert, a member of the public who attends many meetings of the Parish Council and for other observations.

7. **COUNCILLOR MARILYN WESTLEY'S RESPONSE TO THE ALLEGATIONS**

7.1 Councillor Marilyn Westley categorically denies the allegations in their entirety. She denies being in breach of the Code of Conduct and in particular paragraph 2(b) and paragraph 4. We have also included in the table format, her detailed response to each allegation.

Allegation (Taken from JS complaint letter)	Councillor John Stephenson's Account	Mr Ian Cropper's Account	Councillor Marilyn Westley's Account	Account of Attendee Mr Charles Herbert	Account of Other Attendees
<p>1. That Councillor Marilyn Westley, as Vice-Chairman, at the appointment meeting of the Clerk Mr Cropper (IC), spent an inordinate amount of time criticising the previous Clerk and constantly interjecting.</p>	<p>At interview, JS confirmed he was not present at this meeting and that all the information he has about this meeting is second-hand information received from his wife, DS and IC. JS also confirmed that he received this information from DS and IC some time later and may be even after the April meeting itself.</p> <p>JS was told by DS and IC that Mrs Westley had criticised the previous clerk and that Mrs Westley had gone off on a tangent about shortfalls of the previous clerk to tell Mr Cropper what he</p>	<p>No mention in resignation letter</p> <p>In his letter dated 15 September, IC states:</p> <p>“Conversation with the Chairman had been difficult as Cllr Westley was apparently more concerned with advising me of her opinions of other Council members, the previous Clerk and “troublesome” members of the public.”</p> <p>“I had at the time felt uncomfortable with this as I felt she should have kept her own counsel on such views, they were inappropriate and certainly did not</p>	<p>MW maintains that this “meeting” was in fact a lunch at the Saracen’s Head Public House on 10 February 2005, at IC’s request. “It was a lunch, where alcohol was consumed, with no agenda and where no minutes were produced”. MW argues the usual protocols did not apply at this “lunch”.</p> <p>In her statement dated 30 August 2005, MW states:</p> <p>“I have always had a good working relationship with[the former Parish Clerk]...” MW states that, “at no time during the lunch did I criticise [the former Clerk]..... Neither did I constantly “interject””.</p> <p>In her letter dated 20 September 2005, MW states:</p>	<p>No mention.</p>	<p>No mention.</p>

	<p>should avoid.</p> <p>JS stated Mrs Westley has a habit of interjecting all the time.</p> <p>JS got <u>the</u> impression from IC that IC was bothered about Mrs Westley's attitude, that IC found it unnecessary and was upset because Ms Woodhead wasn't present to defend herself.</p> <p>IC mentioned to JS that he found Mrs Westley's behaviour distasteful.</p>	<p>treat the individuals with any respect."</p>	<p>Mr Cropper "questioned us about Standing Orders and enquired as to whether we had the statutory financial regulations in place. Neither Doreen or I knew the answers and suggested to him that on taking up his appointment in March, during the hand over period, he discuss these matters with [the previous clerk] and take any necessary action to bring the Council's procedures in line with current legislation and modern practice."</p> <p>At interview Mrs Westley stated:</p> <p>"Doreen Stephenson mentioned Elaine (the former clerk) in less than glowing terms."</p> <p>MW felt Mrs Stephenson was annoyed because Ms Woodhead (the former clerk) hadn't brought the [audit] problems to the attention of the Council. MW believed this was Mrs</p>		
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			Stephenson's way of saying it was Ms Woodhead's fault and not hers.		
2. That at a Parish Council meeting held on 13 April 2005, Councillor Marilyn Westley from the outset attacked the Clerk Mr Cropper, on virtually every item on the agenda.	<p>When interviewed JS stated he got the feeling Mrs Westley was agitated when she came to the meeting, and she seemed to take it upon herself "to attack the Clerk in an unprecedented manner".</p> <p>Upon questioning JS revealed that the "attack" comprised of MW being loud and repeating questions, shouting across the Chair and interrupting.</p> <p>JS also stated that MW "was upset about most things".</p> <p>JS stated that IC presented a financial report to the meeting "but that wasn't good</p>	<p>Mr Cropper states that, "Throughout the meeting, I felt constant hostility and a total disrespect from several Councillors. Many of the members obviously suffer from a lack of understanding of basic procedural matters, protocol, and a lack of training; especially those who claim not to need it".</p> <p>In his letter dated 15 September, IC states:</p> <p>"The conduct throughout the meeting by MW was disgraceful. She constantly interrupted other members, was</p>	<p>MW claims that JS's allegation, "is simply not borne out by the Minutes of the Meeting or even Mr Cropper's letter of resignation".</p> <p>MW states that, "the minutes, prepared by Mr Cropper, only mention my making a contribution on one item and Mr Cropper's letter also only refers to my input on three items".</p> <p>At interview, MW stated that she didn't speak until item 5a of the agenda.</p> <p>In her view, she was in no way disrespectful although she did refer to it as "[the former clerk's] budget" rather than the Council's but she was trying to differentiate between the old and new budget.</p> <p>At the meeting, MW saw a</p>	<p>In letter dated 15 September 2005:</p> <p>"Cllr M Westley went for the Clerk on three issues he brought up in his report. They were:</p> <p>a) Purchase of a filing cabinet</p> <p>b) Chairman's Allowance - The Clerk raised this item and once again Cllr M Westley became very vocal on the subject objecting to it in principle"</p> <p>c) Foundation Governor for Ormskirk School - Once again it has not been covered in the minutes</p>	<p>Councillor Ray Brookfield stated in his letter:</p> <p>"As the meeting progressed through the agenda it was most noticeable that nothing was going to be agreeable to Cllr M Westley". He also commented that when the issues of the filing cabinet, Foundation Governor and the Chairman's expenses arose, "Cllr M Westley gave the Clerk and the Chairperson personal aggressive verbal attacks".</p> <p>Councillor Robert Derbyshire commented:</p> <p>"Mrs Westley was very aggressive from the onset of the meeting, and all the way</p>

	<p>enough for the Councillors, he was picked on for that.”</p> <p>It appeared to JS “there was rank hostility towards the man [IC]”.</p> <p>“When IC presented the Clerk’s Report there was outright hostility <u>from various people</u>, including MW”.</p> <p>Hostility developed throughout the meeting. Mrs Westley was one of the chief objectors to just about everything, she was critical of the finance report and of everything.</p> <p>JS stated “there wasn’t a total lack of respect, but hostility was there”.</p>	<p>constantly rude to both the chairman and myself and on several occasions ignored the authority of the chairman. Indeed on one occasion, her husband, who is also a member of the Council, embarrassingly made the comment to her, “I think you have made your point Marilyn.”</p>	<p>loss of £16,000 on the statement produced by IC. MW questioned it addressing her question to the Chair who made no response. MW asked what the balance would be, she pushed for an answer and IC responded and he said it would be £8-9,000.</p> <p>MW stated she did not raise her voice and was not abusive to IC in any way. MW stated she could see the puzzled faces amongst members of the public and she therefore felt she had to push on this issue.</p>	<p>that Cllr M Westley challenged Cllr D Stephenson on the subject.”</p> <p>At Interview Mr Herbert stated:</p> <p>“The argument was between Mrs Westley and Mrs Stephenson, involving the Clerk.” On the issue of Chairman’s Allowance Mrs Westley “implied the Clerk should have kept his mouth shut. “ Further, “The Clerk said there should be a budget and Mrs Westley said no way, she was loud but still sitting down. There was</p>	<p>through.” Further “that Mrs Westley did not treat Mr Cropper with respect”.</p> <p>Councillor Darren Wilson commented: “MW repeated her point seven or eight times, however, she was not aggressive, disrespectful or rude.”</p>
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				hostility towards the Clerk and hostile body language.”	
3. That at this meeting, Councillor Marilyn Westley launched a “tremendous tirade” at Mr Cropper in particular over the purchase of a filing cabinet.	<p>JS states that, “a tremendous tirade was launched at Mr Cropper in particular over the purchase of a filing cabinet that the Clerk had cleared with the Chairman as a requirement”.</p> <p>At interview JS said MW “started off about the cabinet” asking on whose authority it had been purchased, why it was needed and that it should be approved by full Council. The debate went on for about ten minutes, and Mrs Stephenson had to tell MW to shut up, and Mr Westley made a comment like “Marilyn we’ve dealt with it now”.</p>	<p>Mr Cropper states in relation to the purchase of the filing cabinet at the April Meeting that, “Cllr M Westley addressed her concerns to the meeting then continued her vilification of my actions in an almost hysterical manner on six further occasions”.</p> <p>Mr Cropper states that Mrs Westley, “alluded that the purchase would have a significant effect on finances”, and states that Mrs Westley said, ‘<i>considering the state we are in on the budget</i>’. Mr Cropper noted that</p>	<p>In relation to discussions over the filing cabinet <u>Mrs Westley maintains, “I remained perfectly calm, asked my questions in a reasonable manner, never passed any adverse comments and certainly did not abuse either the Chairman or Clerk”.</u> She states that she “<u>was concerned that the public should see that we were acting with probity and that our actions were transparent.</u>”</p> <p><u>MW states concern that the issue of the purchase of a filing cabinet was not brought up</u> in a Parish Meeting. MW states that when the Chair was asked who had authorised the expenditure, “eventually Mr Cropper maintained that he had not received authorisation and</p>	<p>In CH’s contemporaneous notes:</p> <p>“Arguments in Council over Clerk’s purchasing of items. Mrs Westley believed the Chairman had misused her powers. Previous discussions had taken place between the Chairman and Vice chairman on it. Councillor Ray Brookfield requested copies of payments preferred prior to meeting”.</p> <p>In letter dated 20 September 2005: “Cllr M Westley</p>	<p>Councillor Ray Brookfield commented:</p> <p>“Mrs Westley verbally attacked the Clerk “in front of the Council and members of the public”. RB believes “her conduct seemed to be pre-meditated and aimed to discredit the Chairperson and Mr Cropper.”</p> <p>Councillor David Westley in a letter dated 13 September 2005:</p> <p>Councillor M Westley was asking perfectly reasonable questions about the purchase of a filing cabinet.”</p> <p>Mr Gerald Riley commented:</p> <p>“Cllr M Westley was protesting at this</p>

	<p>JS stated <u>MW wasn't shouting but was using a hectoring manner, talking across Mrs Stephenson to Mr Cropper and it was amounting to a personal attack.</u></p> <p>JS states "MW was going at him, picking an argument, the point had been adequately dealt with but she went on. The Chairman didn't get a chance to speak, from the off it was an attack on the Clerk."</p> <p>JS stated "<u>it wasn't a discussion it was a row</u>" and <u>MW was inferring</u> Mr Cropper had acted unilaterally and in JS's view it was totally farcical to make such a big issue about it.</p> <p>JS stated there was</p>	<p>he was not aware of any such state.</p> <p><u>Mr Cropper acknowledges that the Chairman did not give him authority to purchase a filing cabinet.</u> Mr Cropper goes on to state, "as we are both aware that such an authority does not exist". "In the absence of any 'Financial Regulation' and the knowledge that larger purchases had been made in the past by the previous Clerk without prior authority, I took it by usage and practice, such authority was assumed and would be authorised retrospectively".</p>	<p>erroneously claimed that larger purchases had been made in the past by the previous Clerk without prior authority".</p> <p>Following on from these discussions, Mr Cropper was asked by other Councillors to itemise his expenses in future and was instructed to provide a list of Accounts for payment with the agenda in future".</p> <p>In relation to IC's reasons he believed he had 'assumed authority' for the purchase of the filing cabinet, Mrs Westley states she has, "no knowledge whatsoever of any 'larger purchases' being made in the past by the previous Clerk, without prior authority."</p> <p>In her letter dated 20 September, MW states:</p> <p>"In the absence of any invoice to support the purchase, coupled with the</p>	<p>objected to this purchase and implied the Chairman did not have authority to sanction the purchase"</p> <p>At interview stated:</p> <p>" Straightforward items on the Agenda became controversial".</p> <p>CH stated "MW was not rude, they were sat down and it was a normal situation for the Council".</p> <p>"No derogatory remarks were made to Mr Cropper but it was implied he acted without power."</p> <p>CH stated that</p>	<p>purchase being made prior to being approved by the Parish Council members, she also asked for the invoice to be made available for the members to peruse."</p>
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	<p>repetition of questions and IC given scant chance to reply. It went on and on throughout the meeting.</p> <p>“Every time he tried to speak she shouted him down, like she did with the chair. It almost ended up in a row, it was astonishing, a real set to, <u>she was talking over him, interrupting him in a loud voice, using a hectoring tone, telling him and pointing at him.</u>”</p>		<p>omission of the usual breakdown of Clerk’s expenses, I felt that I had the duty, as an elected Councillor, to question Mr Cropper’s verbal request for payment. <u>I never accused Doreen or Mr Cropper of concealing this item, instead preferring to give them the opportunity, on at least three occasions, to admit to the purchase, by asking if the expenses included the cost of a filing cabinet. My questions were addressed solely to the Chairman.</u></p> <p>I would reiterate, that <u>at no point did I make any objection to the purchase or question as to who had authorised this payment. This was raised by another Councillor, possibly Cllr. Brookfield and picked up by other Councillors.</u>”</p> <p>At interview MW went through the order of her questions:</p> <p><u>I asked Mrs Stephenson if</u></p>	<p>“Mrs Westley was leaning forward with her voice raised, she was intimidating but not threatening. She was implying Mr Cropper was dishonest.”</p>	
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the expenses included the filing cabinet, she gave no answer but started to rummage through her papers. I asked again and again a third time firmly if the expenses included the cost of the filing cabinet and Mrs Stephenson nodded and Mr Cropper confirmed they did. MW could not recall for certain but she may have asked how much it cost.

Mrs Stephenson told MW “shut up I am fed up with you”

MW confirmed she didn't speak to IC. “It was very unusual for the Clerk to speak without being asked to”. MW stated she directed questions to Mrs Stephenson and asked at least four times. In fact MW knew the answer to her questions but she was giving the Chair the opportunity to come clean. It was not for her to point out that she knew Mrs

			<p>Stephenson had authorised it.</p> <p>MW totally refutes the allegation that she launched a “tremendous tirade” at IC. <u>MW accepts she may have leant forward when asking her questions but she did not stand. She also thinks she asked for the invoice. MW stated that she doesn’t lose her temper at meetings and totally denies the allegations of insulting the Clerk.</u></p>		
<p>4. That at this meeting, Councillor Marilyn Westley publicly humiliated Mr Cropper.</p>	<p>JS states, “attempts by the Clerk to reason with her were to no avail and in fact he was publicly humiliated”.</p> <p>At interview Mr Stephenson stated Mrs Westley was accusing Mr Cropper of acting improperly and belittling him. He felt she was taking Mr Cropper to pieces in public and</p>	<p>In letter dated 15 September IC states:</p> <p>“Her failure to afford me any respect and her comments, amounted to my public humiliation.”</p>	<p>In letter dated 20 September 2005 MW states: “I would suggest that if Mr Cropper subsequently felt humiliated, it had more to do with his inability to produce the invoice than anything I said.”</p> <p>At interview Mrs Westley stated:</p> <p>“It was pointed out to Mr Cropper that the minutes were disputed. I was</p>	<p>In letter dated 15 September 2005:</p> <p>“Cllr M Westley did not give respect to the Clerk, it appeared that she was hostile towards him.”</p>	<p>Councillor David Westley commented:</p> <p>“In my opinion no-one had treated any other person with disrespect at the meeting”.</p> <p>Mr Gerald Riley commented:</p> <p>“Councillors were directing remarks to the Clerk and one question I recall was that his expenses were far</p>

	<p>that it should have been dealt with in private.</p> <p>JS states MW's questions were put "in a personally critical way, in a manner of dressing down and castigating someone".</p>		<p>tempted to point it out and ask for amendments. But I believed pointing it out would have humiliated Mr Cropper and Mrs Stephenson."</p> <p>With regards to the school governor issue, MW stated that "no decision was made as the only way to force it through would have been to humiliate Mr Cropper and Mrs Stephenson."</p> <p>With regards to the filing cabinet MW stated "she had to ask in a way so as to not humiliate Mr Cropper".</p>		<p>larger than his monthly salary."</p>
<p>5. That at this meeting, Councillor Marilyn Westley was disrespectful to the Chairman of the meeting, Mrs Doreen Stephenson.</p>	<p>In complaint letter: "The Chairman shown no respect"</p> <p>At interview Mr Stephenson commented: "The Chairman would introduce items 'when she could get a word in edgeways'. JS stated MW "was</p>	<p>IC states "throughout the item she failed to treat the Chairman with any respect and constantly interrupted".</p> <p>In letter dated 15 September states: "She was constantly rude to both the chairman and</p>	<p>In statement dated 30 August 2005: "During these discussions, I remained perfectly calm, asked my questions in a reasonable manner, never passed any adverse comments and certainly did not abuse either the Chairman or Clerk".</p> <p>"My concern was that Mr Cropper had manipulated</p>	<p>At interview CH stated, "on the issue of the filing cabinet...a heated argument between Mrs Westley and Mrs Stephenson. This type of approach is not without precedent between these two individuals".</p>	<p>Councillor Ray Brookfield commented: "There was a feeling of acrimony from the Vice Chair Councillor M Westley when she took her place in the Council meeting". Also that verbal and aggressive language was used over the Foundation Governor issue and Mrs Westley accused Mrs</p>

	<p>speaking without approval of the Chair, interrupting the Chair and Mr Cropper, whilst the Chairman was trying to keep order”.</p> <p>“MW undermined the Chairman throughout the meeting, there was total disrespect. She spoke when not asked to, about non-agenda items and would slant criticism towards the Chair and Mr Cropper with no good reason”.</p>	<p>myself and on several occasions ignored the authority of the chairman”.</p>	<p>the Chairman into agreeing to a purchase that she knew she did not have the authority to do. I made no mention of this at the meeting, having no desire to humiliate our Chairman in public.”</p> <p>At interview MW totally refuted the allegation that she disrespected the Chair.</p>	<p>On the issue of Foundation Governor - “Again heated argument erupted between the two of them”</p> <p>“Mrs Westley attacked Mrs Stephenson to get at Mr Cropper. There was an exchange of words between the two and hostility between them”. Further “that Mrs Westley was accusing Mrs Stephenson and Mr Cropper of lying and Mrs Stephenson was accusing Mrs Westley of lying”.</p> <p>On the issue of Foundation Governor - “Mrs Westley erupted again against Mrs Stephenson’s power and gave</p>	<p>Stephenson of overstepping her powers.</p> <p>RB stated MW “did not treat Mrs Stephenson with respect at the meeting”.</p> <p>Councillor Darren Wilson commented:</p> <p>“I did not think Marilyn Westley’s behaviour was in any way disrespectful”.</p> <p>Mr Gerald Riley commented:</p> <p>“That Mrs Westley’s request for the invoice for the filing cabinet was refused by the Chairman who said “shut up, you’re (sic) always asking questions”.</p> <p>Mr Riley states “this question was made in an offhanded way and in quite a loud voice”.</p>
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				<p>her no chance to explain”.</p> <p>CH confirmed “it was principally an argument between Mrs Westley and Mrs Stephenson.”</p>	<p>He further notes “the remarks made to Cllr M Westley are grounds by which if she is minded could make a complaint to the Standards Board”.</p>
<p>6. That the Chairman Mrs Stephenson had to tell Councillor Marilyn Westley to be quiet, as she could not conduct the meeting.</p>	<p>In complaint letter: “the Chair was obliged to tell her to be quiet, as she could not conduct the meeting”.</p> <p>At interview stated: Mrs Stephenson had to tell Mrs Westley to shut up so they could move onto the next item.</p>	<p>In letter dated 15 September states: “She constantly interrupted other members.. was constantly rude to both the chairman and myself and on several occasions ignored the authority of the chairman.”</p>	<p>At interview stated: “I was told “shut up I am fed up with you” by Mrs Stephenson”. This did not surprise MW.</p>	<p>No comment.</p>	<p>See above.</p> <p>Councillor David Westley commented: “Councillor D Stephenson told the Vice Chairman Councillor M Westley, ‘will you shut up I am fed up with you’ “.</p> <p>Councillor John Allan commented: “The chairman displayed unacceptable behaviour in telling Mrs Westley to ‘shut up’ and he is of the opinion the Chairman showed Mrs Westley disrespect when she said this”.</p>

<p>7. That as a result of Councillor Marilyn Westley's behaviour, Mr Cropper resigned from his position as the Parish Council Clerk.</p>	<p>In complaint letter: Mr Stephenson notes that Mr Cropper, "resigned a few days later", following the April meeting. At interview stated: Definitely because of what happened at the April meeting is why Mr Cropper resigned. Mr Cropper told Mrs Stephenson that he wouldn't be able to work with Mrs Westley, and he couldn't attend meetings with those people present. Especially with Mrs Westley they had burnt bridges. Mrs Westley acted as a catalyst the way she set off on him, and Mr Cropper took the view he didn't want to get involved.</p>	<p>In letter of resignation dated 19 April 2005: "Following last Wednesday's Parish Council meeting at St Aiden's Hall, and more specifically the conduct of certain Councillors, I believe my position has become untenable. It is with extreme regret that I am now forced to tender my resignation with immediate effect".</p>	<p>In statement dated 30 August 2005: Mrs Westley states, "The published Agenda was prepared by Mr Cropper on 14 April, the day following the Council Meeting. He asks for propositions to be received by him, by 7 May. It appears that at this stage Mr Cropper did not consider his position to be untenable and no intention of resigning". On Monday 18 April I passed Cllr Brookfield's letter to MW dated 15/4/05 to Cllr D Stephenson asking her to arrange a meeting with Mr Cropper as requested by Cllr Brookfield. I believe it was this letter and the request for a meeting that prompted Mr Cropper's resignation letter of 19th April. That letter described the meeting of 13th April as "horrendous", it criticised the Clerk expressing concern about the accounts and too many</p>	<p>In letter dated 15 September 2005: Mr Herbert stated Mrs Westley "unjustifiably brought the Clerk into the arguments, which resulted in him resigning a few days after as he believed he did not have the trust of the Council and therefore could not continue".</p>	<p>Councillor Ray Brookfield commented in a letter dated 10 September 2005: "It was obvious he was upset over the aggressive verbal attack he was subject to, and subsequently resigned." Councillor Robert Derbyshire stated in an email dated 10 September 2005: That from the start this was the result Mrs Westley wanted, that Mr Cropper resigned after his first meeting.</p>
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	<p>But Mr Cropper hasn't brought a complaint because doesn't want to appear antagonistic towards the Parish Council..</p> <p>Mr Cropper was very upset when he left the April meeting, and Mr Stephenson believes he may have discussed it with Mrs Stephenson who tried to get him to reconsider, but he was quite adamant he would resign, he was quite upset about the whole thing.</p>		<p>changes at the meeting. It suggested a "damage limitation " meeting before the next Parish meeting.</p> <p>At interview MW stated:</p> <p>She was surprised about Mr Cropper's resignation. She was not prepared to turn a blind eye to what had happened. She received a copy of Mr Cropper's resignation letter on around 19 April 2005.</p>		
<p>8. That Councillor Marilyn Westley insulted the Clerk in a way that brought Halsall Parish Council to a</p>	<p>In complaint letter JS states: "The Council has lost an excellent Clerk who conducted himself in a gentlemanly and professional manner and insulting him in this way has brought Halsall Parish</p>	<p>No Comment.</p>	<p>In statement dated 30 August 2005:</p> <p>"I do agree that Halsall Parish Council has a poor reputation, as will be seen from an inspection of the minutes for previous years".</p> <p>At interview stated:</p> <p>"There is no proof I brought</p>	<p>In letter dated 15 September 2005:</p> <p>"The Council has very little credibility in the community".</p>	<p>Councillor Ray Brookfield commented in a letter dated 10 September 2005:</p> <p>The debate that took place "did nothing to enhance the Council's reputation".</p>

<p>new low, exacerbating its already poor reputation.</p>	<p>Council to a new low, exacerbating its already poor reputation". At Interview stated: "Halsall Parish Council has had a poor reputation for a long time".</p>		<p>the Council into disrepute"</p>		
<p>9. That Councillor Marilyn Westley refused to sign a cheque in respect of Mr Cropper's expenses and also inferred that the expenses appeared to be inflated and could only be agreed by the full council.</p>	<p>In complaint letter: "A request was made to Mrs Westley, the second signatory, to sign his cheque, but she refused to sign and also inferred that the expenses appeared to be inflated and could only be agreed by the full Council". At interview JS confirmed that he had no direct knowledge about this allegation. This was again a matter reported to him by his wife Doreen Stephenson, after</p>	<p>In letter dated 4 May 2005: " I regret to note that some Members of the Council have decided that they could not pay me the outstanding salary and expenses, as detailed in my final claim, without the matter going before the full Council. Being a contractual payment, it is of course in order for such payments to be made between meetings."</p>	<p>In statement dated 30 August 2005: Mrs Westley details the reason why Mr Cropper's expenses claim was high for April because it was "admitted by the Chairman that these expenses did include the cost of the filing cabinet". MW states concern that no invoice has been produced for the cost of the filing cabinet. MW also refers to the original invoice submitted by Mr Cropper, which MW claims was brought to her house for payment on 4 May, one week before the next Parish</p>	<p>No Comment.</p>	<p>No Comment.</p>

	<p>events.</p> <p>JS stated what his recollection was at that time:</p> <p>“Mr Cropper was owed money and Mrs Westley wouldn’t sign the cheque. Mr Cropper is a man of high integrity and that shouldn’t be questioned. There were no surprises and the inference he had inflated expenses was disgraceful”.</p> <p>JS was told by his wife that MW had said to Doreen Stephenson that she thought the expenses were inflated and she had asked Mr Westley.</p> <p>Mr Stephenson further stated that as it was an urgent situation the Chair had power to approve expenses</p>		<p>Council meeting.</p> <p>In discussions with Councillor D Stephenson in relation to Mr Cropper’s expenses, MW stated that she assumed that any new invoice would be brought to the Council meeting the following week, as opposed to being dealt with there and then. She goes on to state that, “at no point did I make any comment regarding the other expenses or inferred in any way that the expenses appeared to be inflated”.</p> <p>MW stated that she explained to Councillor D Stephenson that she believed it would be prudent to have these amounts passed by the full Council, and “informed her (Councillor D Stephenson) that she knew of no precedent where salary and expenses had been passed for payment between Council meetings”. MW states this is why she was</p>		
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between meetings, and Mrs Westley said it had to go before full Council.

Mr Stephenson didn't think Mr Cropper was paid at the April meeting, and believes he was still waiting for expenses from the April meeting in May. His final claim was without the filing cabinet cost, but included extra work done following his resignation.

not prepared to countersign the cheque for the expenses claim.

At interview Mrs Westley stated that she:

“totally disagreed with the allegation that she commented the expenses appeared inflated, although she may have commented to Mrs Stephenson that they had “inflated overnight”. At the May meeting other Councillors challenged that the Clerk's figures were inflated.”

MW confirmed that she signed a cheque for the Clerk's expenses on 13 April 2005 but only because it had been agreed that in future all expenses would be presented on the agenda.

An invoice for £68 was brought to MW by Mrs Stephenson three weeks after the April meeting. Mr Cropper had paid the full amount for the filing cabinet but he was only deducting

			<p>the net cost from his expenses claim. MW pointed out queries over VAT so Mrs Stephenson took the invoice back to Mr Cropper and returned with the amended invoice which MW still refused to sign.</p> <p>MW commented that Clerk's expenses always come back to the next meeting monthly - this is the normal procedure.</p>		
<p>10. That as a result of Councillor Marilyn Westley's attitude, the Clerk withdrew his offer to help the Council any further.</p>	<p>At Interview JS stated:</p> <p>"Mr Cropper offered to do unpaid work, to prepare and circulate the agenda at the request of the Chairman. Mr Cropper even came up with his own job description, and Mrs Stephenson deeply appreciated it, Mr Cropper had shrugged off animosity to continue".</p>	<p>In letter dated 4 May 2005:</p> <p>" I regret to note that some Members of the Council have decided that they could not pay me the outstanding salary and expenses, as detailed in my final claim." "It is with sadness therefore that I feel forced to withdraw my offer to assist the Council during the Clerking</p>	<p>In statement dated 30 August 2005:</p> <p>Mrs Westley states Mr Westley received a phone call from Mr and Mrs Stephenson who informed him that Mr Cropper had stated "unless I countersigned a cheque for his salary and expenses immediately, he would no longer continue to assist the Council. That evening Mr Cropper wrote to the Chairman withdrawing his offer of assistance".</p>	<p>No comment.</p>	<p>No comment.</p>

	<p>JS relied on Mr Cropper's letter of 4 May 2005 in support of this allegation, in which Mr Cropper stated he was withdrawing his offer of help because he hadn't received his salary and expenses.</p>	<p>interregnum. The offer was made in good faith in order to avoid compounding the Council's present difficulties; regrettably, the Council have been unwilling to show a similar good faith in return."</p>			
<p>11. That these matters have caused considerable concern in the Parish and that Councillor Marilyn Westley's behaviour has brought the Council into disrepute and made it a target for severe criticism.</p>	<p>In his complaint letter: Mr Stephenson commented that Mr Cropper is quite entitled to bring a claim against the Council and "members of the public have commented on the possible effect on Parish funds if such an action has to be defended." At interview Mr Stephenson commented that: He often gets</p>	<p>In resignation letter Mr Cropper states he was instructed by the Chairman and Vice Chairman, following his appointment, to bring the Council's procedures in line with current legislation and modern practice. Mr Cropper goes on to state, "Quite frankly I was amazed that some Members could behave in such unbusiness like</p>	<p>MW states "At no time have I ever insulted or abused other Councillors, Clerks or public, or acted in a manner that is not consistent with the Code of Conduct for all Councillors". MW agrees that Halsall Parish Council has a poor reputation, see 8 above. MW states that all minutes relating to her term in office as a Parish Councillor from March 2003 are available. "You will see from these minutes that at no time have I acted improperly or in any manner that would bring the Parish Council into</p>	<p>In letter dated 15 September 2005: "The Council has very little credibility in the community and by their conduct they are always into disrepute." Mr Herbert states the Council lost the services of a good Clerk and "in this respect the conduct of Cllr M Westley did bring the Council into disrepute."</p>	<p>Councillor David Westley commented: "None of the Councillors behaved in a way that brought themselves or the Parish Council into disrepute... Councillor M Westley has always acted in an exemplary manner at meetings of the Parish Council and the allegations against her are completely unfounded." Councillor Ray Brookfield commented: "In my opinion Cllr M Westley brought the Council into disrepute".</p>

	<p>stopped in the street by members of the public and asked if anyone is going to complain about the Council. People have said terrible things about Mr Cropper and there are rumours all around the village.</p> <p>At interview JS stated MW's behaviour "brought the Council into disrepute."</p>	<p>manner".</p> <p>Mr Cropper also goes on to state, "Halsall Council has had a poor reputation for some time and the antics of last Wednesday demonstrated why".</p>	<p>disrepute".</p> <p>MW also states: "I would point out I have attended training sessions run by the District Council".</p> <p>At interview stated Mrs Westley stated:</p> <p>"There is no proof I brought the Council into disrepute." MW states she received calls herself from members of the public to say the meeting had been horrendous and they hoped matters would improve when she took over as Chair.</p>		<p>Also that over many months Mrs Westley and Mr Westley have been interrupting meetings and that this "had been noticed by the public who felt it was an orchestrated attempt to undermine the Chairpersons confidence".</p> <p>Councillor Robert Derbyshire commented:</p> <p>"Mrs Westley's behaviour towards Mr Cropper had brought the Council into disrepute".</p> <p>Councillor John Allan commented:</p> <p>"Despite the Chairman's lack of respect to Mrs Westley, I do not feel that any Councillor acted in a manner as to bring the Council into disrepute."</p>
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8. INFORMATION FROM OTHERS

- 8.1 The information received from the other attendees at the Meeting is not equivocal. In fact there is a direct split in the views.
- 8.2 In their responses, Councillor Brookfield, Councillor Derbyshire and Mr Charles Herbert suggested Councillor Marilyn Westley's behaviour was not acceptable. Councillor Derbyshire described her as being "very aggressive from the onset of the meeting and all the way through". Councillor Brookfield commented that "as the meeting progressed through the agenda it was most noticeable that nothing was going to be agreeable to Councillor M Westley.
- 8.3 Mr Herbert claimed that Councillor Marilyn Westley "did not give respect to the Clerk it appeared that she was hostile towards him." He stated in his letter of response that "Councillor M Westley went for the Clerk on three issues he brought up in his report they were...Purchase of a filing cabinet....Chairman's Allowance and Foundation Governor for Ormskirk School." (Note however that the last two items were not in the Clerk's report but were separate agenda items). Mr Herbert goes on to describe "the heated exchanges" between Councillor Marilyn Westley and Councillor Doreen Stephenson (the Chair) in relation to the filing cabinet issue. Mr Herbert goes on to state "Councillor M Westley has demonstrated on a number of occasions in the past that she has a short fuse and is intolerant of other people's views. At this particular meeting she appears to have attended with the purpose of making trouble for the Clerk and Councillor D Stephenson because they had gone from being close friends doing Council business together to sworn enemies who were not speaking to each other. Unfortunately she unjustifiably brought the Clerk into the arguments, which resulted in him resigning a few days after." Mr Herbert concludes by stating, "This outcome was wholly unnecessary we lost the services of a good Clerk who could have been an asset to the Council and benefit to the community for no other purpose than the settling of scores. In this respect the conduct of Councillor M Westley did bring the Council into disrepute."
- 8.4 At interview, Mr Herbert clarified that he felt Councillor Marilyn Westley's body language was hostile but he stated that no derogatory words were used by her and that she "was leaning forward with her voice raised, she was intimidating but not threatening."
- 8.5 By contrast, in their responses, Councillor David Westley, Councillor Allan, Councillor Wilson and Mr Riley are supportive of Councillor Marilyn Westley. In relation to the contentious issues on the agenda and in particular the Clerk's expenses, Councillor Allan writes, "the Chairman displayed unacceptable behaviour in telling Mrs Westley to 'shut up' during the discussion referred to above. This was after Mrs Westley had requested to see the relevant invoice." Councillor Allan also conveys his view that "despite the chairman's lack of respect to Mrs Westley, I do not feel that any Councillor acted in a manner as to bring the Council into disrepute. All Councillors were circumspect in their questioning. Under the circumstances, much more could have been said, as the Council must have appeared to be totally inept due to the actions of Mr Cropper." In his letter, Councillor Allan

goes on to write, "I have known Councillor M Westley since I was elected to the Council in June 2004. She has been diligent in seeking to address the long standing financial problems of the Council and I have nothing but admiration for the way she has conducted herself as a Parish Councillor. She has tried to bring the finances of the Council up to date and has always done her best to represent the interests of the residents of Halsall. This has to some extent annoyed some of the longer serving Councillors. Her approach has been pragmatic and she has taken her role seriously."

- 8.6 Councillor Wilson, who provided information by telephone confirmed that there was a lengthy debate over the purchase of the filing cabinet by the Clerk without the full Council's approval. He stated "Marilyn Westley kept repeating this point and reiterating the point and did go on and on about this." He recalled that at one point her husband, Councillor David Westley turned around to her and said something like, "I think you have made your point." Councillor Wilson felt however that he did not think that Marilyn Westley's behaviour was in any way disrespectful. He noted that she repeated her point seven or eight times, however "she was not aggressive, disrespectful or rude."
- 8.7 Councillor David Westley is fully supportive of his wife's position and has stated, "that the only conduct by a Councillor that was inappropriate was when the Chairman Councillor D Stephenson told the Vice-Chair, Councillor M Westley, 'will you shut up, I am fed up with you'." He states, "Councillor M Westley has always acted in an exemplary manner at meetings of the Parish Council and the allegations against her are completely unfounded."
- 8.8 Mr Gerald Riley, who was a former Councillor and Chairman for Halsall Parish Council now attends meetings as a member of the public. He states, "this meeting was conducted exactly the same as other meetings. The then Chairman appeared to have no control". Mr Riley states his view that there was a breach of the Code of Conduct, "It would appear that the new Clerk had purchased a filing cabinet without the matter being brought to Council first and the amount of the cabinet was in excess of £100. Councillor M Westley was protesting at this purchase being made...she also asked for the invoice to be made available for the members to peruse. This request was refused by the Chairman who then remarked to Councillor M Westley, 'shut up, you are always asking questions'...this statement was made in a offhand way and in quite a loud voice.....I submit that the remarks made to Councillor M Westley are grounds by which if she is minded could make a complaint in the Standards Board against the Chairman." Of the Meeting, Mr Riley states, "the meeting was beginning to be out of control, councillors were directing all sorts of remarks to the Clerk." Mr Riley concludes in relation to Councillor Marilyn Westley by saying, "I have found her very professional in her duties as a councillor, polite, humorous and the ability to listen which is very important in public life. I can't imagine why anybody would want to make a complaint against her."
- 8.9 Councillor Wilson made a comment that he thought Councillor Marilyn Westley had been drinking prior to the April Meeting. He stated, "MW had had a couple of drinks during the course of the meal and although she was

not drunk...she may have been influenced by the drinks that she had had.” Councillor Derbyshire also commented, “At that meeting I felt that the lady had had a drink.” At interview, Mr Herbert also commented that he believed Mrs Westley had been drinking. He stated, “She went purposely to cause mayhem, it was not off the cuff, she knew what she was going to do.”

- 8.10 At interview, we put this issue to Councillor Marilyn Westley who confirmed that it had been her birthday on the day of the Meeting (13 April). She had had a meal with her family and had consumed two glasses of wine. She and her husband then attended the Meeting. However Councillor Marilyn Westley denied that the drinks she had consumed had affected her behaviour at the Meeting in any way.

9. THE PROCESS

- 9.1 As mentioned above, the alleged conduct of Councillor Westley could amount to a breach of the Halsall Parish Council, Members Code of Conduct.

- 9.2 A copy of the draft Report was sent to Councillor Marilyn Westley, to enable her to consider the outcome of the investigation and to provide her with an opportunity to respond. Councillor Westley’s formal response, is contained in Appendix 2.

- 9.3 Under the Council’s Procedure, where the Investigating Officer has found, after investigation, that the Councillor has not acted in breach of the Member’s Code of Conduct, the Committee must meet to decide whether to accept that finding or to proceed to a formal hearing. Where the Investigating Officer has found that there has been a failure to comply with the Member’s Code of Conduct, or where the Standards Committee decides that the Sub-Committee should hold a full hearing, there will be a formal hearing to determine whether a breach of the Member’s Code of Conduct has occurred and whether any action should be taken in consequence.

- 9.4 In the process, the function of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Committee, to enable the Standards Committee to come to an informed decision as to whether the Councillor has failed to comply with the authority’s Code of Conduct for Members and upon any consequential action. The Standards Committee acts in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Councillor on the balance of the information available to it, and may commission further investigation or information if it needs to do so in order to come to a decision.

- 9.5 Following the hearing, the Standards Sub-Committee can make one of the following findings:

9.5.1 the member has not failed to follow the authority’s Code of Conduct;

9.5.2 the member has failed to follow the authority’s Code of Conduct, but no action needs to be taken; or

9.5.3 the member has failed to follow the authority's Code of Conduct and that a sanction should be imposed.

10. THE INVESTIGATING OFFICER'S FINDINGS

- 10.1 The Meeting of Halsall Parish Council on 13 April 2005 appears to have been an eventful one with a great deal of debate. This was the first meeting for the new Clerk Mr Ian Cropper. He attended the previous March meeting but only as an observer (although he produced the minutes of the March meeting). It would appear that the new Clerk was trying to make his mark at the Meeting and this caused some concern amongst those in attendance at the Meeting. At the outset, there was some dissatisfaction amongst the councillors in relation to the format of the agenda prepared by Mr Cropper. The main complaint being that the agenda was "overloaded" with many new items and some matters were missing for example "public participation." It is uncertain whether Mr Cropper's demeanour at the Meeting helped or hindered matters further. It is fair to say his approach was liked by some councillors and disliked by others.
- 10.2 Once the Meeting commenced, there was heated discussion and debate in relation to three main items but the item that caused most controversy was the issue of the filing cabinet, dealt with in the agenda under "Financial matters". It appeared that the Clerk had purchased a filing cabinet for Parish Council use without the prior authority of the full Council. Without any Financial Regulations in place to deal with this specific issue, we sought the views of the current Clerk who has confirmed that Orders authorising payment need to be made by resolution of the Council and signed by two members. However approval of expenses is usually a retrospective matter but in the context of an agreement of what are acceptable expenses. Under the new Financial Regulations, (approved by the Council), the Clerk can now expend up to £200 on matters of extreme urgency without prior approval.
- 10.3 It was on this specific issue that Councillor Marilyn Westley asked numerous questions, repeated questions and as she admits, pushed the point. She felt that the purchase should have been approved by the Council first and was unhappy with the way it had been dealt with by the Clerk and the Chair. All the accounts given demonstrate that Councillor Marilyn Westley did "make her point". She was loud and arguably aggressive or intimidating in her questioning. However she does not appear to have used any derogatory or offensive words or gestures. She remained seated throughout the discussions. Some accounts describe her body language and approach as being "hostile", so this was clearly a perception by some people present.
- 10.4 The reputation of Halsall Parish Council appears to be poor. All the comments received including comments from the complainant as well, suggest that the Council has a long history for heated discussions and debates and these and the behaviour of its councillors' has given the Council a poor reputation.
- 10.5 It is also important to note that further complaints may be made to the SBE in relation to subsequent meetings of Halsall Parish Council following the April

Meeting. It appears that there are different factions in the Council with Councillor Doreen and John Stephenson on one side and Councillors Marilyn and David Westley on the other.

10.6 Having considered all of the information set out above, our conclusions on each of the allegations are set out below.

Allegation	Conclusion
<p>1. That Councillor Marilyn Westley, as Vice-Chairman, at the appointment meeting of the Clerk Mr Cropper, spent an inordinate amount of time criticising the previous Clerk and constantly interjecting.</p>	<p>From the limited reports of this private meeting, in an informal rather than a business setting, it is difficult to conclude this to be the case, particularly as Marilyn Westley appears to have a significant degree of respect for the former Clerk. What does seem to be the case is that there were views about the former Clerk presented by a number of people present. Marilyn Westley can also be assertive which may account for repeated interjections, but we cannot conclude that this allegation was, on balance, true.</p>
<p>2. That at a Parish Council meeting held on 13 April 2005, Councillor Marilyn Westley from the outset attacked the Clerk Mr Cropper, on virtually every item on the agenda.</p>	<p>The consensus from those present is that Marilyn Westley voiced her views strongly on three items:</p> <ul style="list-style-type: none"> a) Purchase of a filing cabinet b) Chairman's Allowance c) Foundation Governor for Ormskirk School <p>but not every item on the agenda of 12 public items (18 items in total).</p> <p>There was a perception of "hostility" to the Chair and the Clerk, from some of those present, but this does not necessarily amount to a lack of respect, as recognised by Cllr John Stephenson. Marilyn Westley stated that she certainly did not intend any disrespect, nor did she intend to "attack the Clerk". At least two other Councillors were of the view that "she was not aggressive, disrespectful or rude." We cannot therefore conclude that this amounted to a breach of the Code.</p>
<p>3. That at this meeting, Councillor Marilyn Westley launched a "tremendous tirade" at Mr</p>	<p>We are of the view that Marilyn Westley was trying to get to the bottom of the issue around the lack of authority to purchase the filing cabinet, and lack of a formal invoice, but she</p>

<p>Cropper in particular over the purchase of a filing cabinet.</p>	<p>did not want to accuse the Clerk directly and so persisted with her questioning to try to ascertain the facts.</p> <p>In conducting the investigation we became aware that a number of Parish Councillors were unclear about the rules of the Council for authorising expenditure and taking action. This stems from a lack of clarity about whether there was any proper Scheme of Delegation to Members and Officers in order to deal with even minor purchases, such as the purchase of a filing cabinet. Whilst we understand that some of these procedures have now been changed, this was a recipe for problems in administering the affairs of the Parish Council.</p> <p>The exchanges were perceived by some of those present as “arguments”, “a verbal attack” and “almost hysterical” by the former Clerk; and by others as “perfectly reasonable questions”. An independent observer noted that “she was not rude.....she was intimidating but not threatening”. Marilyn Westley maintains she did not abuse the Chairman or the Clerk. She acknowledges that she did lean forward but did not make other gestures. Marilyn Westley states that she was only concerned to ensure that the proper rules of the Parish Council were followed even in respect of minor purchases such as a filing cabinet. In trying to be assertive some people have perceived Marilyn Westley as aggressive, though that does not appear to have been the intention. We cannot therefore conclude that Marilyn Westley subjected the Clerk to a “tremendous tirade” nor can we conclude that these exchanges amounted to a breach of the Code.</p>
<p>4. That at this meeting, Councillor Marilyn Westley publicly humiliated Mr Cropper.</p>	<p>See above. It may have been better for Councillor Marilyn Westley to have raised the issues independently, in advance of the meeting, however, she was not to know in advance of the meeting that there was no invoice submitted for the filing cabinet with the expenses of the Clerk at the meeting. Again, Marilyn Westley’s concerns appeared to centre around the need to ensure that</p>

	<p>proper procedures were followed for authorisation of the expenditure, rather than humiliation of Mr Cropper.</p> <p>As the events of the meeting continued, the result may have been that the Clerk felt humiliated, but there could have been other reasons for this, including the changes to the Agenda and the different style of operation of Mr Cropper which seems to have been a marked contrast to the previous Clerk for the Parish Council.</p> <p>Some of those present may have perceived this as a public humiliation for Mr Cropper, but again this does not appear to have been the intention of Marilyn Westley. As some members present were of the view that Councillor Marilyn Westley's manner and tone were reasonable and her comments were largely directed to the Chairman over matters of procedure, it is difficult in our view to sustain this allegation.</p>
<p>5. That at this meeting, Councillor Marilyn Westley was disrespectful to the Chairman of the meeting, Mrs Doreen Stephenson.</p>	<p>In summary, it is clear that the perception of behaviour was completely split between those who thought Marilyn Westley was not in any way disrespectful and those who thought she was.</p> <p>In general terms (see later at the end of this table), members are expected to take criticism from other members as part of the "rough and tumble" of politics, even at Parish Council meetings. There is a higher threshold for member conduct in relation to other member criticism, before it will amount to a breach of the Code.</p> <p>Apart from being persistent in her questioning, which may have been irritating for the Chairman, it does not appear that Marilyn Westley was disrespectful to the Chairman, Doreen Stephenson. On the contrary, several accounts suggest that Councillor Stephenson's own conduct should be brought into question on this allegation as she asked Marilyn Westley to "shut up".</p>
<p>6. That the Chairman Mrs Stephenson had to tell</p>	<p>There is no doubt that the Chairman told Marilyn Westley to be quiet (see above -</p>

<p>Councillor Marilyn Westley to be quiet, as she could not conduct the meeting.</p>	<p>some commentators viewed the way that the Chairman handled Marilyn Westley as disrespectful). However, the events leading up to being told to “shut up” would not necessarily amount to a breach of the Code.</p>
<p>7. That as a result of Councillor Marilyn Westley’s behaviour, Mr Cropper resigned from his position as the Parish Council Clerk.</p>	<p>Mr Cropper’s resignation clearly refers to the conduct of certain councillors, plural, indicating that it was not only Marilyn Westley’s behaviour. He did not single her out as the only reason for his resignation. There is the suggestion that Mr Cropper may have resigned following events after the Parish Council Meeting. It was clear to him that there was a need for change in a number of respects in the way the Parish Council operated and that it would be difficult for him to drive this forward. We cannot agree with this allegation, due to the behaviour of other members of the Parish Council and the situation with regard to its procedures and finances.</p>
<p>8. That Councillor Marilyn Westley insulted the Clerk in a way that brought Halsall Parish Council to a new low, exacerbating its already poor reputation.</p>	<p>Councillor Marilyn Westley states that she took care not to insult the Clerk and tried to direct her remarks through the Chairman. She seems to have been motivated by the way in which the Council was authorising expenditure and dealing with matters correctly in procedural terms and we cannot therefore conclude that she insulted the Clerk, exacerbating the Parish Council’s already poor reputation. Numerous people have commented upon the poor reputation of the Parish Council both previously and subsequently.</p>
<p>9. That Councillor Marilyn Westley refused to sign a cheque in respect of Mr Cropper’s expenses and also inferred that the expenses appeared to be inflated and could only be agreed by the full Council.</p>	<p>In law, Councillor Marilyn Westley was correct not to sign the cheque in respect of Mr Cropper’s expenses, without an invoice for the filing cabinet, which was not produced. Unless the item was properly authorised then it would be unlawful expenditure. Marilyn Westley refused to sign the cheque until such time as the expenditure had been properly authorised. The same applied to the other expenses if they were higher than usual, requiring an explanation (and possibly needing to be agreed by full Council). We understand that new procedures have now</p>

	been put in place.
10. That as a result of Councillor Marilyn Westley's attitude, the Clerk withdrew his offer to help the Council any further.	As a matter of fact, this may be the case, however, Marilyn Westley was not willing to sign a cheque for something which was not properly authorised and so as a result the Clerk withdrew his offer to help the Council further. This does not amount to a breach of the Code.
11. That these matters have caused considerable concern in the Parish and that Councillor Marilyn Westley's behaviour has brought the Council into disrepute and made it a target for severe criticism.	The events at the Parish Council Meeting on 13 April 2005 have clearly not enhanced the reputation of Halsall Parish Council. The behaviour of members generally at meetings has made it a target for criticism and whilst members have displayed hostility and made remarks to each other which have not helped the situation, we cannot go so far as to establish that there has been a breach of the Code by Councillor Marilyn Westley.

- 10.7 In terms of the standards expected of members (see later) a higher threshold for bad behaviour towards another member is required before the Standards Board will usually investigate, than for similar conduct directed at officers or members of the public. As a general rule, "ill considered or rude language between members and dubious or arguable claims in political leaflets are unlikely to be referred for investigation unless the alleged conduct is particularly offensive or forms a pattern of behaviour". So, a Parish Councillor who approached a fellow Councillor in an aggressive manner, shouted at him to address his comments to the Chairman and banged his clenched fist down on the table damaging the mobile phone of the complainant and making disrespectful and rude comments to other members was worthy of investigation.
- 10.8 The SBE also takes into account whether a complaint is malicious, politically motivated or tit-for-tat when deciding whether it ought to be referred for investigation, but will consider every complaint on its own merit. There is clearly some evidence of tit-for-tat allegations in this particular case.
- 10.9 Perhaps one of the issues which flows from this investigation is that no matter what their intention, Members of the Parish Council should have more regard to how their actions and what they say will be perceived by others, rather than just their intentions.
- 10.10 In all the circumstances, we conclude the following:
- a. That paragraph 2(b) has not been breached;
 - b. That paragraph 4 has not been breached;

and we therefore find that there has not been a failure to comply with the Code of Conduct of Halsall Parish Council.

11. CONCLUSION AND FINDINGS

- 11.1 Following our investigation, we sent a copy of the draft report in confidence to: the Councillor against whom the allegations have been made, the person making the allegation and the clerk to Halsall Parish Council, and requested that they send any comments within 14 days, with a copy to the Monitoring Officer. We have taken account of responses received, which are contained in Appendices 2 and 3 of this report.
- 11.2 Following our investigation and for the reasons outlined in this report, our finding is that we consider that there has not been a failure by Councillor Marilyn Westley to comply with the Code of Conduct of Halsall Parish Council.
- 11.3 This is our final report and represents our final finding. This final report will be presented to the Standards Committee of West Lancashire District Council.

12. THE STANDARDS COMMITTEE

- 12.1 The Standards Committee must consider this report; it should not seek to interview witnesses or take representations from the parties. The Standards Committee's role at this stage is simply to decide whether, based on the facts set out in the report, it agrees with our finding or believes there is a case to answer.
- 12.2 When the Standards Committee has considered the report then by law it must make one of the following findings:
- a) That it accepts our finding that Councillor Marilyn Westley has not failed to comply with the Code of Conduct of Halsall Parish Council; or
 - b) That the matter should be considered at a hearing of the Standards Committee (or Sub-Committee) in accordance with the Council's Hearing Procedure for Standards Committee determinations.
- 12.3 If the Standards Committee finds as set out in paragraph 12.2 (a) (no failure to comply with the Code of Conduct), then the Council Secretary & Solicitor shall as soon as practicable send written notice of that finding and the reasons on which it was based to: Councillor Marilyn Westley, the Ethical Standards Officer, the Standards Committee (if the finding was made by a Sub-Committee of the Standards Committee), the Standards Committee of any other authority of which the Councillor is a member, Halsall Parish Council and the person who made the allegation. The Council Secretary & Solicitor shall also ask the Councillor whether she objects to the publication of the finding and if she does not object, to arrange for publication in at least one local newspaper.
- 12.4 If the Standards Committee finds as set out in paragraph 12.2 (b) (that the matter should be considered at a hearing), the Council Secretary & Solicitor shall arrange for the matter to be considered at a hearing of the Standards

Committee (or a Sub Committee of the Standards Committee), in accordance with the Hearing Procedure for Standards Committee Determinations, subject to the following variations:

- a) The hearing shall be conducted between 14 days and three months from the date on which the Council Secretary & Solicitor received this final report from the Investigating Officer;
- b) This Report shall be treated as if it constituted the report of the Ethical Standards Officer;
- c) The Council Secretary & Solicitor will not conduct Pre-Hearing enquiries of the Councillor; and
- d) The Investigating Officer shall be responsible for presenting the report to the Standards Sub-Committee and introducing any witnesses he considers that the Standards Sub-Committee should hear in order to be able to give the matter proper consideration.

13. SANCTION POWERS AVAILABLE WHERE A HEARING IS HELD

13.1 On review of this report and the holding of a hearing, if the Standards Sub-Committee decides that the member has failed to follow the Code of Conduct, it can impose sanctions, including censure and suspension or partial suspension for up to three months, order the member to undertake specified training or conciliation, or any combination of relevant sanctions, including withdrawing facilities.

13.2 Suspension or partial suspension will normally start immediately after the Sub-Committee has made its decision. However, if the Sub-Committee chooses, the sanction may start at any time up to six months following its decision or continue until such time an apology is given or training received. Suspension may be appropriate for more serious cases, such as those involving:

13.2.1 bullying officers;

13.2.2 trying to gain an advantage or disadvantage for themselves or others; or

13.2.3 dishonesty or breaches of trust.

13.3 When deciding upon a sanction, the Sub-Committee should make sure that it is reasonable and in proportion to the member's behaviour. Before deciding what sanction to set, the Sub-Committee should consider various questions, along with any other relevant circumstances, such as: What was the member's intention?; Did the member know that he or she was failing to follow the Code of Conduct?; How serious was the incident?; Did the member apologise to the relevant people?

13.4 When deciding on an appropriate sanction, the Sub-Committee may also want to consider decisions made by other Standards Committees and Case Tribunals drawn from The Adjudication Panel for England that deal with similar types of cases; it should also take account of the Guidance issued by the Standards Board for England.

13.5 When the Standards Sub-Committee has deliberated, which it may do in private, and comes to a decision about its findings then the Chairman shall announce the Sub-Committee's decision in public and follow this up with written confirmation of the decision as soon as practicable thereafter. If there is any point of uncertainty then the Sub-Committee may recall all of the parties to clear any point of uncertainty.

14. **OTHER ACTIONS RECOMMENDED**

14.1 As an Independent Investigator we would also recommend that irrespective of the outcome of this case, that the Parish Council considers:

14.1.2 training for all Members regarding their roles and responsibilities and standards of conduct expected of them as Members of Halsall Parish Council, including respect for the Chairman in managing meetings;

14.1.3 a review of all of the procedures and rules of the Parish Council and the drafting of an appropriate scheme of delegation of functions to ensure that the Parish can operate effectively on a day to day basis and that they represent good practice

14.1.4 training for all Members in relation to approval of expenses and the correct procedures for expending money with reference to any current or revised Financial Regulations procedure rules and scheme of delegation;

14.1.5 training for all Members in relation to dealings with employees.

Judith Barnes, Partner
Robin Mosley, Consultant Solicitor
Sulbia Quddus, Solicitor
For Eversheds LLP
25 November 2005

**WEST LANCASHIRE DISTRICT COUNCIL
RE: HALSALL PARISH COUNCIL**

REFERENCE: SBE 11605.05

ALLEGATIONS

1. That Councillor Marilyn Westley, as Vice-Chairman, at the appointment meeting of the Clerk Mr Cropper, spent an inordinate amount of time criticising the previous Clerk and constantly interjecting.
2. That at a Parish Council meeting held on 13 April 2005, Councillor Marilyn Westley from the outset attacked the Clerk Mr Cropper, on virtually every item on the agenda.
3. That at this meeting, Councillor Marilyn Westley launched a "tremendous tirade" at Mr Cropper in particular over the purchase of a filing cabinet.
4. That at this meeting, Councillor Marilyn Westley publicly humiliated Mr Cropper.
5. That at this meeting, Councillor Marilyn Westley was disrespectful to the Chairman of the meeting, Mrs Doreen Stephenson.
6. That the Chairman Mrs Stephenson had to tell Councillor Marilyn Westley to be quiet, as she could not conduct the meeting.
7. That as a result of Councillor Marilyn Westley's behaviour, Mr Cropper resigned from his position as the Parish Council Clerk.
8. That Councillor Marilyn Westley insulted the Clerk in a way that brought Halsall Parish Council to a new low, exacerbating its already poor reputation.
9. That Councillor Marilyn Westley refused to sign a cheque in respect of Mr Cropper's expenses and also inferred that the expenses appeared to be inflated and could only be agreed by the full Council.
10. That as a result of Councillor Marilyn Westley's attitude, the Clerk withdrew his offer to help the Council any further.
11. That these matters have caused considerable concern in the Parish . That Councillor Marilyn Wesley's behaviour has brought the Council into disrepute and made it a target for severe criticism.

COUNCILLOR WESTLEY'S RESPONSE

Obviously, I am pleased with the provisional Conclusions that clearly find the allegations against me to be unproven and whilst always confident of this outcome given my innocence, it is still a great relief. Indeed, the matter has been extremely stressful and has caused considerable upset as well as disruption to my private life.

However, I would like to place on record my appreciation for the professional and thorough way the investigation has been handled by Eversheds.

It is clearly apparent from the analysis of the evidence provided, that the allegations against me were made for malicious and spiteful reasons and that those who made them have distorted the truth and manipulated the facts to support their claims. It is also apparent that some of the additional allegations were the result of collusion but this has been exposed by the conflicting evidence and discrepancies in the witness statements.

Of particular significance is the fact that the then Chairman, Councillor Doreen Stephenson, chose not to support her husband or the former Clerk in their allegations. It should be noted that two of the allegations by Councillor John Stephenson related to meetings and conversations at which he was not present and can only be based on hearsay or anecdote and should have been dismissed in their entirety.

Whilst acknowledging that there were problems at the April Meeting of Halsall Parish Council, it is my considered opinion that these were due to a combination of the Clerk, Mr I T cropper, overreaching his position, failing to provide accurate financial information and withholding information as evidenced by the letter from Councillor Brookfield; his manipulation of the then Chairman, Councillor Doreen Stephenson, and her failure to give the Clerk the guidance and advice appropriate for someone new to the position. Any humiliation he felt was entirely down to these failings rather than perfectly reasonable questioning by myself in what was an entirely proper respectful manner through the Chairman.

The Investigating Officer is quite right in concluding that there has been a history of conflict on Halsall Parish Council. However, this has invariably involved Councillors Brookfield, Derbyshire or J Stephenson as evidenced by at least four previous complaints to the Standards Board as shown on the website.

I have only been on the Parish Council for the past two years and during that time I have endeavoured to work effectively with my fellow Councillors in addressing the many outstanding issues, not least the problems with financial administration that resulted in the last three years Annual Audits only being signed off in June 2005.

Councillor Marilyn Westley

COUNCILLOR JOHN STEPHENSON'S RESPONSE

Thank you for the opportunity to respond to the preliminary findings of your investigations.

I note the fact that Cllr. Marilyn Westley had been observed to have been drinking prior to attending the April meeting of H.P.C. Although I also noted her condition this was not mentioned in the complaint, as in the event of a denial it would have been impossible to prove guilt. In the event others have confirmed her drinking and although this may explain her behaviour it only confirms the validity of the complaint.

Recognising the potential cost to WLDC I have no wish to prolong this investigation and in conclusion submit the following observation.

Cllr. M. Westley actions at the April meeting brought personal disgrace upon herself. She failed to meet the HPC code of conduct requirement, "To treat others with respect" by addressing a council employee at a public meeting in such a manner as to oblige the person to resign.

M.W. further failed to observe the chairman's authority to conduct the meeting and interfered in the business to such an extent as to prevent the council from completing its agenda.

By attending a public meeting in an unfit condition she brought her position as P.C. and the Council into dispute.

Yours sincerely
John Stephenson
Vice Chairman
Halsall Parish Council
Turbury Farm
Heathey Lane
Shirdley Hill
Halsall
West Lancs
L39 8SH